

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

CHANTE JOHNSON

CIVIL ACTION NO. 6:20-cv-00834

VERSUS

JUDGE ROBERT R. SUMMERHAYS

CITY OF NEW IBERIA, ET AL.

MAGISTRATE JUDGE HANNA

JUDGMENT

This matter was referred to United States Magistrate Judge Patrick J. Hanna for report and recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Magistrate Judge's report and recommendation is correct and adopts the findings and conclusions therein as its own. Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that the motion to dismiss (Rec. Doc. 7), which was filed by defendants the City of New Iberia, Freddie DeCourt, Todd D'Albor, and the New Iberia Police Department, should be GRANTED IN PART and DENIED IN PART, consistent with the report and recommendation. More particularly:

(a) the motion is DENIED AS MOOT with regard to the plaintiff's claim against the New Iberia Police Department because that claim was already dismissed;

(b) the motion is GRANTED with regard to the plaintiff's Section 1983 claims for violation of her First Amendment and Eighth Amendment rights, and those claims are dismissed with prejudice;

(c) the motion is GRANTED with regard to the plaintiff's Section 1983 claims for vicarious liability, and those claims are dismissed with prejudice;

(d) the motion is GRANTED with regard to the official-capacity claims against Chief D'Albor and Mayor DeCourt because they are redundant of the plaintiff's claims against the City of New Iberia, and those claims are dismissed with prejudice;

(e) the motion is DENIED with regard to the individual-capacity claims asserted against Chief D'Albor and Mayor DeCourt;

(f) the plaintiff is granted leave of court to file, within thirty days of the date of this judgment, an amended complaint with regard to any individual-capacity claims against Mayor DeCourt and Chief D'Albor that she might have; and

(e) the defendants are granted leave of court to reurge a motion to dismiss after review of the amended complaint, if necessary and appropriate.

Signed at Lafayette, Louisiana, this 5th day of October, 2020.

A handwritten signature in black ink, appearing to read 'R. Summerhays', is written over a horizontal line.

ROBERT R. SUMMERHAYS
UNITED STATES DISTRICT JUDGE